

REMARKS

Claims 31-65 are pending in this application. Claims 31-65 are canceled, and new claims 66-69 are presented. Applicants submit that no new matter is added as support for the new claims exists in the specification and claims as originally filed.

Rejection Under 35 U.S.C. § 112, ¶2

Claims 31-47, and 57-65 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite because, according to the Office Action, the term “effect” in claims 31 and 57 is unclear. Applicants have canceled claims 31-47 and 57-65, and therefore respectfully request withdrawal of this rejection.

Rejections Under 35 U.S.C. § 103(a)

The present application generally relates to methods for rapidly detecting and/or quantifying a group of organisms, cultivatable or not cultivatable, sharing the same enzymatic activity.

Claims 31-65 are rejected under 35 U.S.C. § 103(a) as being obvious over Sheiness *et al.* (U.S. 5,700,636 and U.S. 5,776,694), Chen *et al.* (U.S. 5,854,011 and U.S. 6,984,499), Laine *et al.* (U.S. 6,184,027), Loesche (U.S. 5,116,735), and Godsey *et al.* (5,888,760) in view of Roger-Dalbert (U.S. 2004/0048326) Reymond *et al.* (U.S. 2003/00199017) and James *et al.* (U.S. 2002/0031795).

As an initial matter, Applicants note that rejected claims 31-65 have been canceled, thereby rendering rejection of these claims moot. Applicants also point out that the new claims are similar to those that have been allowed in Europe (EP1727909). For efficiency purposes, Applicants discuss below the patentability of the new claims over the cited references. Such discussion should not be construed, however, as any admission regarding the applicability of the present rejections to the newly presented claims.

Sheiness discloses detecting microorganisms associated with vaginal disorders; Chen discloses a method for detecting the presence or amount of yeasts or molds; Laine discloses catalytically inactive murein binding enzyme diagnostic reagents and methods for detecting eubacteria and fungus in biological samples; Loesche discloses a colorimetric diagnostic test for

peridontal disease; and Godsey discloses a universal test system for identifying a microorganism among at least two widely divergent microorganisms. Applicants respectfully submit that none of these references teaches obtaining a sample from skin to which a cosmetic composition comprising a substance of interest has been applied, evaluating the presence of organisms responsible for axillary odor which share lipase activity, or evaluating the efficiency of the substance of interest as recited in the present claims. Applicants also submit that the teachings of Roger-Dalbert, Reymond and James do not remedy these deficiencies in the primary references.

Accordingly, Applicants respectfully submit that the cited references taken alone or in combination, fail to teach or render obvious the invention as claimed.

CONCLUSION

An indication of allowance of all claims is respectfully solicited. In the event any issues remain, Applicants would appreciate the courtesy of a telephone call to their counsel to resolve such issues and place all claims in condition for allowance.

Applicants believe that all necessary fees are enclosed. However, if any additional fees are determined to be required, the Commissioner is hereby authorized to charge these fees to **Deposit Account No. 50-0206.**

Respectfully submitted,
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Dated: December 18, 2008

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